

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Reginald D. Higgins, Sr., :
Plaintiff(s), :
vs. : Case Number: 1:09cv228
Vitran Express, Inc., et al., : Chief Judge Susan J. Dlott
Defendant(s). :
:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on June 6, 2011 a Report and Recommendation (Doc. 82). Subsequently, the plaintiff filed objections to such Report and Recommendation, even though the document was titled plaintiff's motion for a new trial and reconsideration (Doc. 84) and defendants filed a response to the objections and titled the pleading defendant's response to plaintiff's motion for a new trial (Doc. 85).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, plaintiff failed to establish the third, fourth and fifth prongs of his *prima facie* case. As a result, defendant's motion for summary judgment on plaintiff's hostile work environment claim will be granted.

Therefore defendant's motion for summary judgment (Doc. 77) is **GRANTED**;

plaintiff's motion for summary judgment (Doc. 80) is **DENIED** and this case is closed and stricken from the active docket.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court